



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,490	12/21/2001	Takamitsu Aoki	393032029800	2061

25224 7590 12/18/2003
MORRISON & FOERSTER, LLP
555 WEST FIFTH STREET
SUITE 3500
LOS ANGELES, CA 90013-1024

EXAMINER

JACOBSON, TONY M

ART UNIT PAPER NUMBER

2644

DATE MAILED: 12/18/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/027,490

Applicant(s)

AOKI ET AL.

Examiner

Tony M. Jacobson

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 5, and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Modeste et al. (US 5,852,800).

3. Regarding claims 1, 3, 5, and 6, Modeste et al. discloses a method and apparatus (a computer with appropriate signal processing and audio input/output hardware executing a program) for mixing a plurality of digital audio (sound) signals, comprising: an adjusting device, inherently controlled by an adjusting program module, that performs an adjusting step of subjecting a plurality of sound signals that are input to processing of adjusting at least one of sound volume and sound quality (a programmable computing element combining component channels of a selection at operator specified and/or default intensity values – see column 6, lines 8-14); a condition determining device (the computer CPU), inherently controlled by a condition determining program module, that performs a condition determining step of determining whether the input sound signals exceed a predetermined value at a plurality of metering points on a signal path of each of the plurality of sound channels along which the input sound signals are transmitted (the metering displays 70 and 90 of the channel control

strips and master control strips, respectively, of Fig. 6, described at column 14, lines 6-56, having a finite number of discrete indication states, are inherently controlled by software and hardware that determines whether a level of the sound signal exceeds each of a plurality of predetermined values (one predetermined value for each discrete segment of the displays) at a plurality of metering points (the individual channel inputs and the master buses/outputs) on a signal path along which the input sound signal is transmitted); and an alarm display device (monitor 20 of Figs. 2A and 2B) inherently controlled by an alarm display program module, that performs an alarm display step of displaying an alarm (changing the visual state of a corresponding segment of a corresponding metering display) when said condition determining device determines that the input sound signal satisfies the condition at at least one of the plurality of metering points.

4. Regarding claim 2, Modeste et al. discloses at claim 6(e) "programmably generating a summation signal by combining the plurality of channels at individually selected intensity levels whereby an operator programmably selects the intensity levels of each of the plurality of channels at each of the programmable intensity levels to produce the summation signal" (a mixing step of mixing the sound signal subjected to the adjusting processing). Figs. 9-16 indicate that the summed (mixed) sound signal is outputted (at block 136).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Modeste et al. (US 5,852,800).

7. Regarding claim 4, as described above regarding claims 1, 3, 5, and 6, the plurality of metering points on the signal path along which the input sound signal is transmitted include at least first and second metering points (input channels and master output channels, respectively). The method performed by the apparatus includes a first display step of displaying a level of the sound signal at the first metering point on a first screen and a second display step of displaying a level of the sound signal at the second metering point on the same screen. Modeste et al. does not disclose a second screen displaying a level of the sound signal at the second metering point. Official notice is taken that it was well known in the computer programming arts at the time the present invention was made to divide a complex set of graphics to be displayed among a plurality of screens in order to allow the information to be displayed at a reasonable resolution and to make the information being conveyed less cluttered and thus easier to understand. It would have been obvious to one of ordinary skill in the art at the time the

present invention was made to split the information of the system software screen of Fig. 6 of Modeste et al. among a plurality of display screens, such that the master output level indicators are displayed on a different screen from that on which the input level indicators are displayed in order to provide a greater display resolution and to make the display screens less cluttered and easier to understand.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9. Silfvajt et al. (US 5,402,501) discloses a digitally-controlled analog automated audio mixer which comprises input volume and sound quality adjustment means, and bargraph level indicators and clip indicators which determine the condition that a level of an input sound signal exceeds a predetermined value at a plurality of metering points (input channels and output channels) and displays an "alarm" when the predetermined value is exceeded.

10. Balsamo et al. (US 5,444,676) discloses an audio mixer system in which a plurality of metering points are monitored in each input channel and the results are displayed on mechanical meters.

11. Kentish et al. (US 5,778,417) discloses an audio mixer having a plurality of separate display screens displaying information relating to the operation of the mixer.

12. Slattery (US 5,848,146) discloses an audio mixer in a conferencing system having detecting and displaying means to display an alarm when an input audio signal exceeds a predetermined value at a plurality of metering points (Figs. 2, 2C, 4, and 4A – “signal” and “clip” indicators).

13. Silfvast (US 5,959,610) discloses an audio mixer in which a plurality of universal controls, such as rotary encoders, are assigned in operation to a corresponding set of mixer control functions, and corresponding virtual control images are displayed on a display screen in combination with corresponding audio level indications (claim 28).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tony M. Jacobson whose telephone number is (703) 305-5532. The examiner can normally be reached on Mon. -Fri. 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W. Isen can be reached on (703) 305-4386. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.

tmj
December 10, 2003


XU MEI
PRIMARY EXAMINER